

IN THE U.S. DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

THE MARINAS, INC.; VOLUNTEER)
LANDING YACHT CLUB, INC. d/b/a)
VOLUNTEER YACHT CLUB; MARINA)
MANAGEMENT, LLC d/b/a FOX ROAD)
MARINA; KIGER MANAGEMENT, LLC)
d/b/a VOLUNTEER MARINA, KIGER, INC.)
d/b/a WILLOW POINT MARINA, and)
DOWNTOWN PROPERTIES, LLC.,)

Plaintiffs,)

v.)

GREAT MIDWEST INSURANCE COMPANY,)

Defendant.)

Case No. _____

NOTICE OF REMOVAL

Defendant Great Midwest Insurance Company hereby notifies the Judges of the United States District Court for the Eastern District of Tennessee, the Clerk and Master of the Chancery Court of Knox County, Tennessee at Knoxville, and the plaintiffs, that the action described herein and filed in the Chancery Court of Knox County, Tennessee at Knoxville, is removed to the United States District Court for the Eastern District of Tennessee, at Knoxville, pursuant to 28 U.S.C. §1441.

1. On April 22, 2013, the plaintiffs filed a civil action bearing Case No. 185119-3 against the defendant, Great Midwest Insurance Company, a Texas corporation, in the Chancery Court of Knox County, Tennessee. Service of the complaint and summons was made upon the Tennessee Department of Commerce and Insurance on or about April 26, 2013.

2. Plaintiffs filed this action seeking damages for breach of contract and bad faith allegedly due under a contract of insurance written by defendant, Great Midwest Insurance Company. (See complaint, attached hereto as Exhibit 1).

3. Petitioner seeks removal of this action to this Court on the grounds that the controversy is wholly between citizens of different states and involves an amount in controversy which exceeds Seventy-five Thousand Dollars (\$75,000.00), exclusive of the interest and costs, pursuant to 28 U.S.C. §1332. In particular, the plaintiffs in the underlying action seeks recovery of policy benefits and damages for bad faith in an amount not to exceed \$2,000,000.00 for defendant's alleged failure to pay for claimed hail damage to the plaintiffs' properties.

4. All of the plaintiffs are Tennessee companies with their principle places of business in Knox County, Tennessee, and were at the time of the filing of this action and at the time of the removal. Defendant, Great Midwest Insurance Company, is a corporation organized under the laws of Texas with its principal place of business in Texas. Accordingly, this matter involves citizens of different states.

5. This notice is filed within the time prescribed by 28 U.S.C. §1446(b).

6. Copies of all papers served upon defendant are attached hereto as Exhibit 1.

WHEREFORE, notice is hereby given that the said Civil Action No. 185119-3 is removed from the Chancery Court of Knox County, Tennessee, to this Court.

Respectfully submitted,

/s Benjamin J. Miller

GARY A. BREWER
Registration No. 4678

BENJAMIN J. MILLER
Registration No. 025575
Attorneys for Great Midwest
Insurance Company

**BREWER, KRAUSE, BROOKS,
CHASTAIN & BURROW, PLLC**
P. O. Box 23890
Nashville, TN 37202-3890
(615) 256-8787

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of May, 2013, a true and correct copy of the foregoing document has been sent via first class United States mail, postage prepaid, addressed to:

John M. Jackson, III, Esquire
Garner & Conner, PLLC
P.O. Box 5059
Maryville, TN 37802

/s Benjamin J. Miller
BENJAMIN J. MILLER